

PTO/SB/26 (08-03)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

414-12829-USC3

In re Application of: Thomas Kruspe et al.

Application No.: 10/694,554

Filed: October 27, 2003

For: Non-Rotating Sensor Assembly for Measurement-While-Drilling Applications

The owner, Baker Hughes Incorporated, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,637,524 B2. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Kaushik P. Sriram

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REMARKS**Double patenting rejection**

Claims 59-68 stand rejected under the judicially created doctrine of obviousness type double patenting over claims 1-12 of US Patent 6,637,524. A terminal disclaimer is being filed concurrently with this document to overcome the rejection.

Claim objections

The Examiner has objected to a typographic error in claim 64. Claim 64 has been amended to address this objection.

The application is now believed to be in condition for allowance. The Commissioner is authorized to charge any fees for these amendments to Deposit Account 02-0429 (414-12829C3).

Respectfully submitted,



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Dated: December 14, 2004

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